

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

Case No. 3:23-cv-00572-MMD-CLB

**ORDER**

v.

ELY STATE PRISON, *et al.*,

Defendants

**I. DISCUSSION**

On November 17, 2023, the Court ordered Plaintiff to submit a complaint and file a fully complete application to proceed *in forma pauperis* (“IFP”) or pay the \$402 filing fee by January 16, 2024. (ECF No. 3). In response, Plaintiff filed a document titled “Initiation of Actions”<sup>1</sup> that is a collection of handwritten statutes, a vague “affidavit” about exhaustion of administrative remedies, multiple *ex parte* requests for the appointment of counsel, prison classification papers, documents from one of Plaintiff’s state criminal cases, an incomplete IFP application, and a proposed summons. (See ECF Nos. 4, 5, 7). Plaintiff also submitted an amended complaint (ECF No. 6).

Plaintiff’s IFP is incomplete because he did not submit a financial certificate on this Court’s approved form. (See ECF No. 5 at 4). Rather, Plaintiff submitted a financial certificate that purports to be for state court. (*Id.*) The Court grants Plaintiff a final extension of time to either pay the full \$402 filing fee or file a completed financial certificate on this Court’s approved form.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply

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<sup>1</sup> The Clerk’s Office identified this document as a “motion for appointment of counsel” (ECF No. 4) on the docket sheet.

to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

## II. CONCLUSION

For the foregoing reasons, it is ordered that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

It is further ordered that Plaintiff has **until March 15, 2024**, to either pay the full \$402 filing fee or file a completed financial certificate on this Court’s approved form.

It is further ordered that the Court defers a decision on the other motions (ECF Nos. 4, 7) pending the resolution of the matter of the filing fee.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete IFP or pay the required filing fee.

DATED: February 20, 2024

  
UNITED STATES MAGISTRATE JUDGE